

**United States Department of the Interior  
Bureau of Land Management  
Royal Gorge Field Office  
3028 E. Main Street  
Cañon City, CO 81212**

## **Environmental Assessment**

### **Fremont County Mineral Materials Quarry**

DOI-BLM-CO-200-2012-0051 EA

December 2012



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# **CHAPTER 1 - INTRODUCTION**

## **1.1 IDENTIFYING INFORMATION**

NUMBER: DOI-BLM-CO-200-2012-0051 EA

CASEFILE/PROJECT NUMBER (optional): COC 075940

PROJECT TITLE: Fremont County, Mineral Materials Contract, HWY 69 Quarry

PLANNING UNIT: Collegiate/ Sangre Subregion #2

LEGAL DESCRIPTION: Sixth Principle Meridian, T. 19 S., R. 73 W., Sections 19 and 30.

APPLICANT: Fremont County

### **ISSUES AND CONCERNS:**

- The existing gravel pit at Howard Creek is not adequate in size or material to continue production.
- The proposed action is needed to continue providing adequate road maintenance for Fremont County.

## **1.2 INTRODUCTION AND BACKGROUND**

Fremont County Road and Bridge Department ("Fremont County") is requesting a 15 year permit, or series of one year permits, to extract gravel from a site south of Texas Creek, near Thomas Gulch (Figure 1), in Fremont County, Colorado. The site lies approximately 27 miles west of Canon City, Colorado, at 6PM, T. 19 S, R. 73 W, Sec. 30 NE¼SW¼, and consists predominately of Precambrian migmatic gneiss and quartz monzonite, with varying hardness; several outcrops of Holocene clay are also present in the south end of the project area. The processed material would provide a site for long-term gravel extraction by Fremont County, and would be used primarily for road base, and other construction and maintenance projects throughout the county.

The Highway 69 quarry area is located at the base of a ridge (Photo 1), with fairly flat access on an existing railroad bed. The proposed quarry site has very little vegetation, although the access road may need to be widened to allow for the appropriate equipment to be mobilized during operations. This area is easily accessible and should not be visible from Highway 69.

The quarry would provide sand and gravel road base material. It will occupy approximately 8 acres, plus 0.78 acres used for road access, and have minimal topsoil that would need to be stockpiled. Approximately 30,000 tons of material will be removed per year, not to exceed 450,000 tons for the life of the mine. The material will be used as road base for county road maintenance within District #3 (Cotopaxi) of Fremont County. The site has been previously disturbed by test pit operations conducted by the county in 2010.

The county would use typical county mining operations with periodic use of a dozer, loader, and dump trucks. The county will conduct the majority of their work during the summer months, when weather conditions are more suitable for this type of work.

This site was originally analyzed under NEPA No. CO-200-2010-0026 CX. However, since Fremont County has changed their intent from a test pit to a quarry, a standalone EA is needed for this proposal. BLM will determine if the proposed project will result in significant impacts during the EA process. Results and any mitigation developed throughout the NEPA process will be forwarded to CDRMS for inclusion into their permitting process. Their process will include the conversion of the original less than 1-acre test area, to the approximately 8-acre quarry site being analyzed in this EA.

### **1.3 PURPOSE AND NEED**

The purpose of the action is to make federal mineral materials, located south of Texas Creek Colorado, available through a free use permit. BLM may issue free use permits to a government entity without limitation as to the number of permits or as to the value of the mineral materials extracted or removed, provided that the government entity shows that it will not use these materials for commercial or industrial purposes (43 CFR 3604.12).

The need for the action stems from the policy of the Bureau of Land Management to make mineral resources available for disposal and to encourage development of mineral resources to meet national, regional, and local needs. The authority for the action stems from the multiple-use mission of the Federal Land Policy and Management Act of 1976, The Mineral Materials Act of 1947, 30 USC Sec. 1620 and the Royal Gorge Resource Management Plan of 1996.

One of BLM's priorities for minerals management in Colorado is to make the mineral materials from public land available for energy development and urban growth, including timely processing of applications for purchase of mineral materials for use in exploration and development of renewable and conventional energy mineral resources and infrastructure and community developments. Per 30 USC Sec. 1602 (01/03/2012), The Congress declares that it is the continuing policy of the United States to promote an adequate and stable supply of materials necessary to maintain national security, economic well-being and industrial production with appropriate attention to a long-term balance between resource production, energy use, a healthy environment, natural resources conservation, and social needs. The Congress further declares that implementation of this policy requires that the President shall, through the Executive Office of the President, coordinate the responsible departments and agencies to, among other measures, 1) identify materials needs and assist in the pursuit of measures that would assure the availability of materials critical to commerce, the economy, and national security and 2) encourage Federal agencies to facilitate availability and development of domestic resources to meet critical materials needs.

### **1.4 DECISION TO BE MADE**

The BLM will decide whether to approve the proposed "Mineral Materials Permit" project based on the analysis contained in this EA. This EA will analyze the proposal to develop federal minerals that are needed to continue road maintenance in Fremont County.

The BLM may choose to:

- a) accept the project as proposed
- b) accept the project with modifications/mitigation
- c) accept an alternative to the proposed project, or

- d) not authorize the project at this time. The finding associated with this EA may not constitute the final approval for the proposed action.

## **1.5 PLAN CONFORMANCE REVIEW**

The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

Name of Plan: Royal Gorge Resource Area, Resource Management Plan (RMP)

Date Approved: May 1996

Decision Number/Page: Decision 1-40/ Page 2-1-8; Decision 1-41/ Page 2-1-8

Decision Language:

- 1-40 – Areas will be open to mineral entry and available for mineral materials development administered under existing regulations, and standard mineral operating procedures, limited by closure if necessary, and special mitigation will be developed to protect values on a case-by-case basis;
- 1-41 – Areas will be open to mineral entry and available for mineral materials development under standard mineral operating practices.

In January 1997, the Colorado State Office of the BLM approved the Standards for Public Land Health and amended all RMPs in the State. Standards describe the conditions needed to sustain public land health and apply to all uses of public lands:

Standard 1: Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate, land form, and geologic processes.

Standard 2: Riparian systems associated with both running and standing water function properly and have the ability to recover from major disturbance such as fire, severe grazing, or 100-year floods.

Standard 3: Healthy, productive plant and animal communities of native and other desirable species are maintained at viable population levels commensurate with the species and habitat's potential.

Standard 4: Special status, threatened and endangered species (federal and state), and other plants and animals officially designated by the BLM, and their habitats are maintained or enhanced by sustaining healthy, native plant and animal communities.

Standard 5: The water quality of all water bodies, including ground water where applicable, located on or influenced by BLM lands will achieve or exceed the Water Quality Standards established by the State of Colorado.

Because standards exist for each of these five categories, a finding must be made for each of them in an environmental analysis. These findings are located in Chapter 3 of this document.

## **1.6 SCOPING, PUBLIC INVOLVEMENT AND ISSUES**

**1.6.1 Scoping:** The principal goals of scoping are to allow public participation to identify issues, concerns, and potential impacts that require detailed analysis.

Persons/Public/Agencies Consulted: Scoping, by posting this project on the Royal Gorge Field Office NEPA website, was the primary mechanism used by the BLM to initially identify issues. No comments were received.

Issues Identified: No issues were identified during public scoping.

## **CHAPTER 2 - PROPOSED ACTION AND ALTERNATIVES**

### **2.1 INTRODUCTION**

Development of the quarry would provide sand and gravel to maintain and upgrade county roads in the Fremont County area. It will occupy approximately 8 acres, plus 0.78 acres to be used for road access, and have minimal topsoil that would need to be stockpiled. Approximately 30,000 tons of material will be removed per year, not to exceed 450,000 tons for the life of the mine. The material will be used as road base for county road maintenance within District #3 (Cotopaxi) of Fremont County. The site has been previously disturbed by test pit operations conducted by the county in 2010.

### **2.2 ALTERNATIVES ANALYZED IN DETAIL**

#### **2.2.1 Proposed Action**

##### **General**

Mining is proposed to commence in 2014 from the northern corner of the proposed BLM Mineral Material permit area with surface leveling to the southern corner of the proposed permit area. The eight acre area of leveling will take place over 15 years.

The quarry would provide sand and gravel to maintain and upgrade county roads in the area. It will occupy approximately 8 acres and have minimal topsoil that would need to be stockpiled. Approximately 30,000 tons of material will be removed per year, not to exceed 450,000 tons for the life of the mine. The material will be used as road base for county road maintenance within District #3 (Cotopaxi) of Fremont County.

During the active phase of mining, typical county mining operations will occur with periodic use of a dozer, front end loader, track hoe, and haul trucks. The county will conduct the majority of their work during the summer months, when weather conditions are more suitable for this type of work.

At the request of Colorado Parks and Wildlife (CPW) there will be a seasonal closure from September through November for big game (rifle) season. From November through December, the county will operate on a one day per week schedule. During this time, operations will be limited to the hauling of material only; major excavation operations will not take place. The gate located along the access road to the project area will be secured for safety purposes. This access road is designated as administrative use only and is not open to public motorized travel. In order to facilitate continued public access to adjacent public lands in the area the project proponent would install a walk through gate. Forestry projects have been slated for this area. As a result, access will not be denied to permitted foresters.

Proximity to Highway 69 suggests the proposed action could create a visual impact to the public traveling through that section of road (less than one half mile). Natural topography and vegetation mitigate most of this issue, but stockpiles may grow to a height that could be seen from the highway. Therefore, the location and height of stockpiles will be monitored routinely and maintained in a way that would keep them from becoming overly visible from the highway. As the amount and locations of the stockpiles may vary during operation, this mitigation will need to be continually coordinated with BLM, in order to ensure that it is being met adequately.

## **Stormwater Controls**

No known aquifers exist in the mining area or in the vicinity of the mining area. However, berms will be built on the perimeter of the work areas to contain and collect stormwater runoff and other sediments. Additionally, due to the high percolation rate of the soil in the pit, and the small acreage of the mining area, the bermed areas are not expected to form detention ponds or collect standing water during storm events. The large draw, which is located outside of the permit area, will be bermed to prevent any additional stormwater from entering the permit area.

## **Reclamation**

1. Although the goal is to reclaim as you go, the main pit area is not planned for revegetation until near to the life of the mine, due to the fact that the mine pit will be in continuous use for staging product stockpiles, processing mineral materials and loading out the material.
2. At the time of final reclamation, topsoil materials will be transported to the main pit floor from the stockpile area, and will be amended with organic materials to achieve a plant medium that will support native vegetation. No additional fertilizer is anticipated prior to seeding. Seeding will commence 30 days after final grading operations, and will be broadcast at a rate of 20 pounds per acre. The seeded area will be mulched with certified straw and then crimped with a dozer or disk. The seed mixture will be composed of the following species:
  - a. Blue and side oats grama grass
  - b. Indian ricegrass
  - c. Western wheatgrass
  - d. Alfalfa
  - e. Mountain mahogany
  - f. Currant
  - g. Winterfat

The relative amounts of the species in the mixture will be based on the availability and price at the time of planting. The drought resistant native grasses should be the focus of the mixture in respect to the grass species. The seeding effort will be conducted by the appropriate broadcast or drill seeding methods. The seeding and mulching program should be repeated every other year, until a minimum of 25% ground cover of desirable species is attained over the site.

3. The proposed post-mining use of open rangeland/wildlife habitat is compatible with surrounding/neighbor land use of the area.
4. Minimal topsoil will be encountered at the surface of this mining operation. Topsoil installation on the final pit floor will be accomplished utilizing the existing stockpile, with amendments being imported from other sources as needed.
5. The proposed Mining and Reclamation Plan does not specifically address weeds. Therefore BLM will require a specified protocol for weeds management. This protocol will include the monitoring

and treatment of noxious weeds every year during the life of the mine. At the end of the mine life during the mine reclamation period, re-vegetated areas will be monitored for the presence of plants on the Colorado State Noxious Weed list for a period of five years. A and B list species from the Colorado State Noxious Weed list will be eradicated prior to bond release.



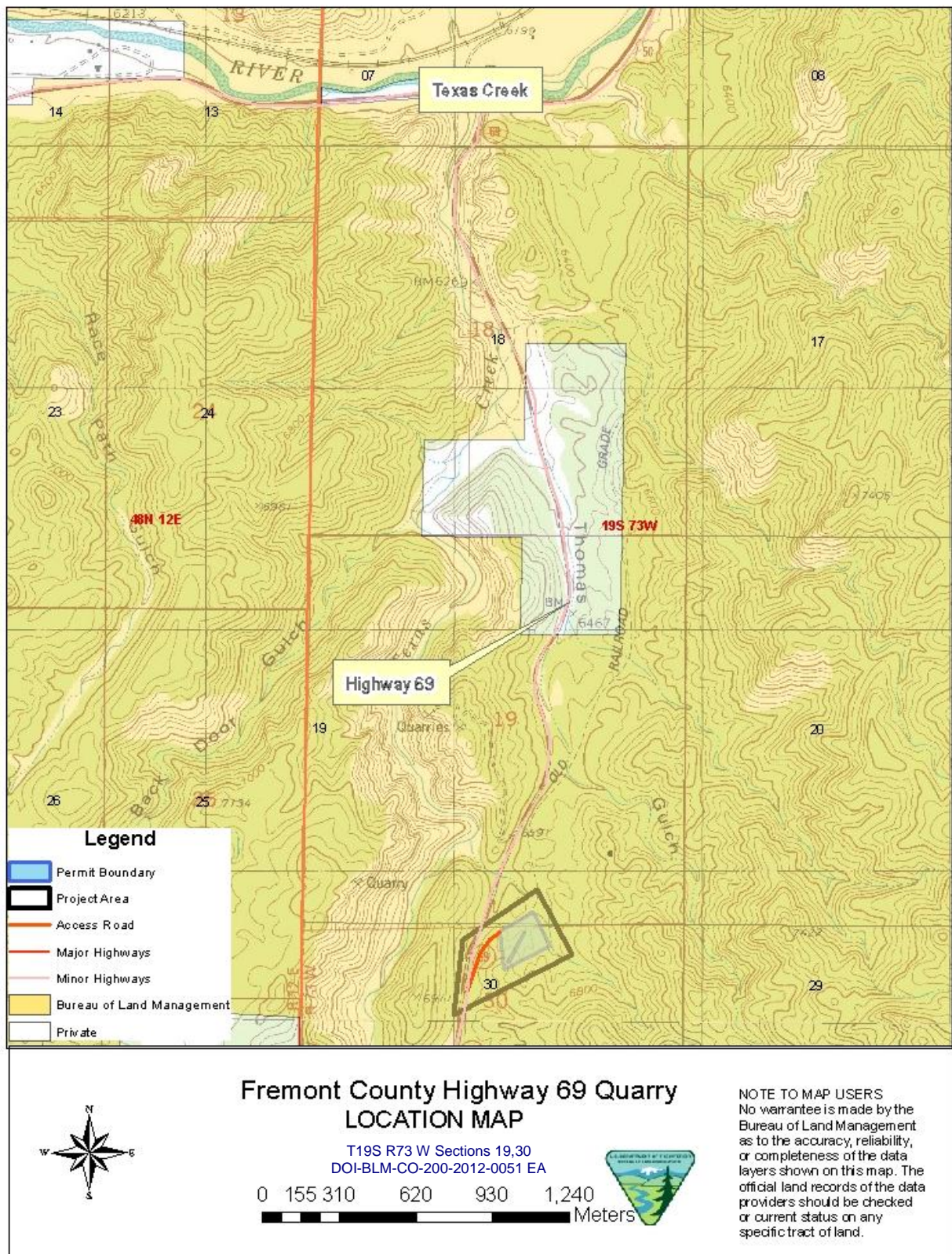
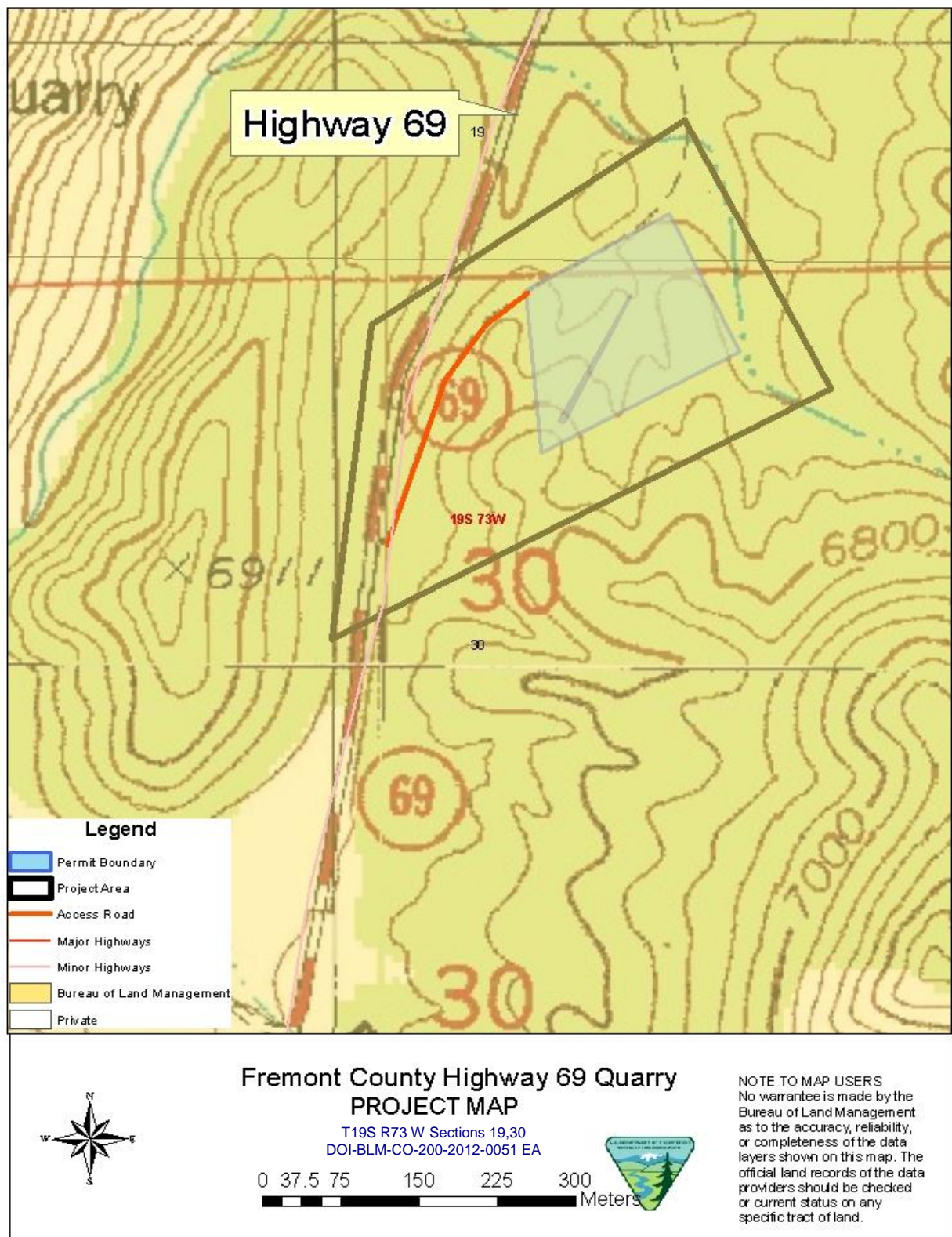
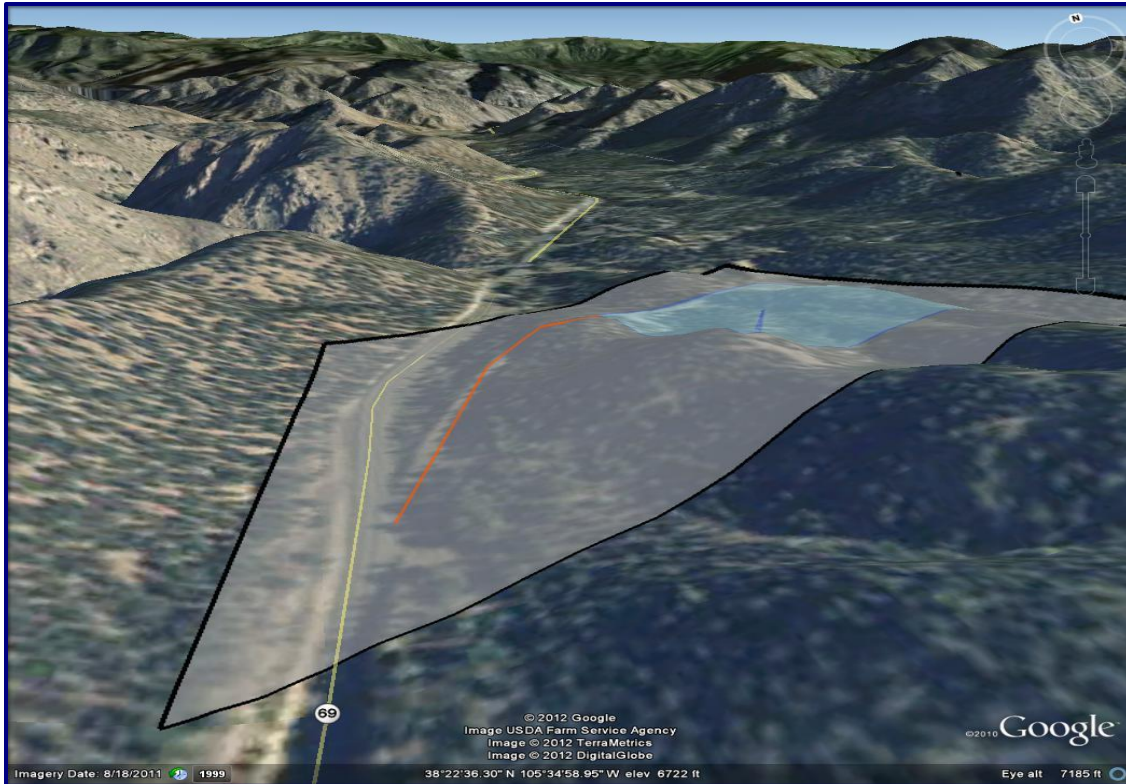


Figure 1. Location Map of Hwy 69 Quarry

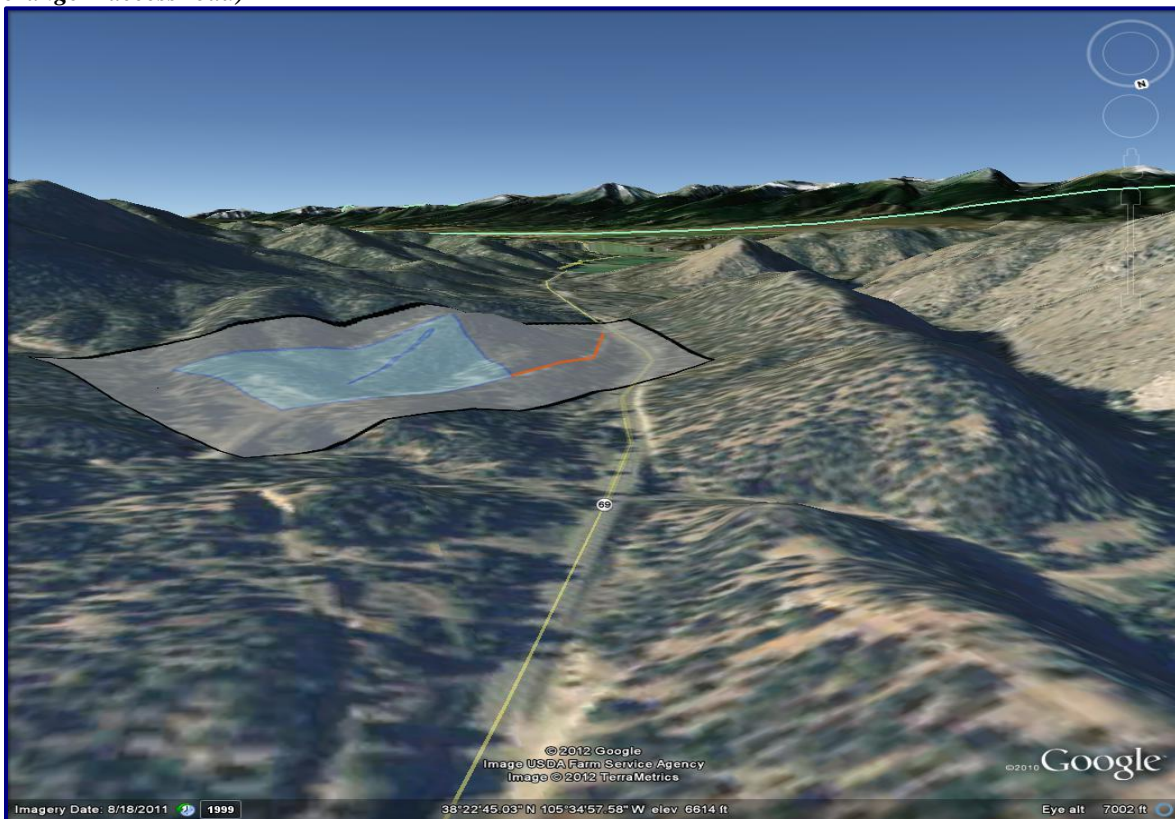




*Figure 2. Project Map of Hwy 69 Quarry*



**Photo 1. Looking north (black outlined area = proposed project boundary, blue outlined/ infilled area = permit boundary, orange = access road)**



**Photo 2. Looking south (black outlined area = proposed project boundary, blue outlined/ infilled area = permit boundary, orange = access road)**



**2.2.2 No Action Alternative:** A no-action decision would potentially strain Fremont County resources and result in more costly options for completion of road maintenance and improvements or the inability to conduct these operations at all.

### **2.3 ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL**

In 2010, Fremont County requested to conduct mineral materials testing at two separate locations south (CR 1A Test Area) and southeast (Hwy 69 Test Area) of Cotopaxi (Analyzed under DOI-BLM-CO-200-2010-0026 CX). Both test areas included trenches approximately 10' long by 10' wide by 10' deep. Approximately 2000 tons of material was removed from each test site and used as road base for county road maintenance within District #3 (Cotopaxi) of the Fremont County Road and Bridge Department. This testing was conducted during the summer of 2010 on real road surfaces, to determine if the quality of the material would be suitable for this type of application. Results of this testing have determined that the Highway 69 location (being analyzed in the EA) had the most suitable road base material and that is why Fremont County is pursuing the need for a gravel pit at this location.

## CHAPTER 3 - AFFECTED ENVIRONMENT AND EFFECTS

### 3.1 INTRODUCTION

This section provides a description of the human and natural environmental resources that could be affected by the Proposed Action and presents comparative analyses of the direct, indirect and cumulative effects on the affected environment stemming from the implementation of the actions under the Proposed Action and other alternatives analyzed.

#### 3.1.1 Interdisciplinary Team Review

The following table is provided as a mechanism for resource staff review, to identify those resource values with issues or potential impacts from the proposed action and/or alternatives. Those resources identified in the table as potentially impacted will be brought forward for analysis.

<u>Resource</u>	<u>Initial and date</u>	<u>Comment or Reason for Dismissal from Analysis</u>
<u>Air Quality</u> <i>Ty Webb, Chad Meister</i>	TW, 1/04/13	Some impacts to air quality while excavating the material. Impacts from fugitive dust could be expected to last only short periods during activity.
<u>Geology/Minerals</u> <i>Stephanie Carter, Melissa Smeins</i>	SSC, 10/24/2013	See affected environment
<u>Soils</u> <i>John Smeins</i>	JS, 10/25/2013	The Proposed Action would remove and modify soils from the mined area. Reclamation would take place that would stabilize the site and return vegetation at the conclusion of activities resulting in no long term (post-mining) major impacts to the soil productivity or stability of the site.
<u>Water Quality</u> <u>Surface and Ground</u> <i>John Smeins</i>	JS 10/25/2013	The site is in a dry, upland location well removed from any perennial water courses. No water is directly affected by the Proposed Action except during larger precipitation events. Runoff controls are proposed that would limit on site runoff from interacting with natural water courses resulting in no to very little effect on water quality.
<u>Invasive Plants</u> <i>John Lamman</i>	JL, 1/24/2013	See affected environment
<u>T&amp;E and Sensitive Species</u> <i>Matt Rustand</i>	MR, 2/13/13	Peregrine and Golden Eagles nest within Bighorn Sheep Canyon and Bald Eagles use the river corridor in the winter; however, no known nest sites are located within two miles of the project area. No known threatened and endangered or sensitive species are present within the action area.
<u>Vegetation</u> <i>Jeff Williams, Chris Cloninger, John Lamman</i>	JL, 1/24/2013	See affected environment
<u>Wetlands and Riparian</u> <i>Dave Gilbert</i>	DG, 2/4/13	The proposed action is in upland and no riparian or wetland is directly affected. Storm water controls protect off site resources.
<u>Wildlife Aquatic</u> <i>Dave Gilbert</i>	DG, 2/4/13	The proposed action is in an upland setting and no aquatic habit is directly affected and runoff controls are planned to limit interaction of high flow to offsite habitats.

<b><u>Resource</u></b>	<b><u>Initial and date</u></b>	<b><u>Comment or Reason for Dismissal from Analysis</u></b>
<b><u>Wildlife Terrestrial</u></b> <i>Matt Rustand</i>	MR, 2/13/13	See affected environment.
<b><u>Migratory Birds</u></b> <i>Matt Rustand</i>	MR, 2/13/13	See affected environment.
<b><u>Cultural Resources</u></b> <i>Monica Weimer, Michael D. Troyer</i>	MDT, 10/28/13	See affected environment.
<b><u>Native American Religious Concerns</u></b> <i>Monica Weimer, Michael D. Troyer</i>	MDT, 10/28/13	Although aboriginal sites are present in the vicinity of the area of potential effect, no possible traditional cultural properties were located during the cultural resources inventory (see Cultural Resources section, above). There is no other known evidence that suggests the project area holds special significance for Native Americans.
<b><u>Economics</u></b> <i>Dave Epstein, Martin Weimer</i>	mw, 1/16/13	This action will not result in significant impacts to the socio economics of individuals or the region.
<b><u>Paleontology</u></b> <i>Melissa Smeins, Stephanie Carter</i>	SSC, 10/24/2013	Little to no paleontological value exists in this area. Therefore, there will be no impacts to this resource.
<b><u>Visual Resources</u></b> <i>Kalem Lenard</i>	KL, 2/1/2013	See affected environment.
<b><u>Environmental Justice</u></b> <i>Martin Weimer</i>	mw, 1/16/13	The proposed action affects areas that are rural in nature. The land adjacent to these parcels is rugged hills and open rangeland, as a result, there are no minority or low-income populations in or near the project area. As such, the proposal will not have a disproportionately high or adverse environmental effect on minority or low-income populations.
<b><u>Wastes, Hazardous or Solid</u></b> <i>Stephanie Carter</i>	1/2/2013	See affected environment.
<b><u>Recreation</u></b> <i>Kalem Lenard</i>	KL, 2/1/2013	As part of the proposed action there will be a seasonal closure from September through November for big game (rifle) season and from November through December the county will operate on a one day per week schedule where operations will be limited to the hauling of material only and major excavation operations will not take place in order to minimize impacts to hunting related recreation. Hunting is the primary recreation use in the area and other forms of recreation use rarely occur. There are no public roads and public access would not be reduced from the proposed action. There will be no impacts to recreation from the proposed action.
<b><u>Farmlands Prime and Unique</u></b> <i>Jeff Williams, Chris Cloninger, John Lamman</i>	JL, 1/24/2013	There are no prime and or unique farmlands in the project area.
<b><u>Lands and Realty</u></b> <i>Vera Matthew, Steve Craddock</i>	vm, 1/30/2013	This area is withdrawn by Secretarial Order 5/23/1946 to the Bureau of Reclamation for the Gunnison Ark Reclamation Project. There is also a 7.2 KV electric power line that runs through the middle of the project. Coordination with BOR prior to start is needed.

<b><u>Resource</u></b>	<b><u>Initial and date</u></b>	<b><u>Comment or Reason for Dismissal from Analysis</u></b>
<b><u>Wilderness, WSAs, ACECs, Wild &amp; Scenic Rivers</u></b> <i>Kalem Lenard</i>	KL, 2/1/2013	Not present. The project is near the McIntyre Hills WSA but is outside of the WSA boundary.
<b><u>Wilderness Characteristics</u></b> <i>Kalem Lenard</i>	KL, 2/1/2013	An inventory conducted on 7/18/2013 found that wilderness characteristics were not present due to lack of naturalness. The inventory identified several disturbed areas associated with railroad grades, mines and earthen dams.
<b><u>Range Management</u></b> <i>Jeff Williams, Chris Cloninger, John Lamman</i>	JL, 1/24/2013	The action occurs within the Texas Creek Grazing Allotment #03508. Cattle grazing is permitted June 16th to October 15th in this area. There would be a loss in livestock forage through the proposed action, but the loss would be insignificant. Any loss would be recovered through the reclamation plan.
<b><u>Forest Management</u></b> <i>Ken Reed</i>	KR, 1/7/2013	See affected environment
<b><u>Cadastral Survey</u></b> <i>Jeff Covington</i>	JC, 1/11/13	The ¼ corner of sections 19 and 30 falls within the proposed project area and needs to be located and protected. GCDB reliability in the project area is ± ten feet.
<b><u>Noise</u></b> <i>Martin Weimer</i>	mw, 1/16/13	The project area is situated in the hills adjacent to Highway 69. Noise is expected periodically from the use of heavy equipment. There are no nearby residences to the project and noise levels are not expected to be significant.
<b><u>Fire</u></b> <i>Bob Hurley</i>	BH, 2/5/2013	The proposed action will not create or elevate risk factors leading to unwanted wildland fire ignition.
<b><u>Law Enforcement</u></b> <i>Steve Cunningham</i>	SC 3/3/14	There are no law enforcement issues associated with this action.

The affected resources brought forward for analysis include:

- Geology/Minerals
- Invasive Plants
- Vegetation
- Wildlife Terrestrial
- Migratory Birds
- Cultural Resources
- Visual Resources
- Wastes, Hazardous or Solid
- Forest Management

## **3.2 PHYSICAL RESOURCES**

### **3.2.1 Geologic And Mineral Resources**

#### **Affected Environment:**

The subject parcel is located in the Precambrian Migmatitic Gneiss, which consist of layered gneiss, chiefly feldspathic biotite-quartz-plagioclase gneiss, and garnetiferous, hornblendic, and sillimanitic varieties.

Historically, lode and placer claims have been located under the Mining Law of 1872 throughout this area. The area was withdrawn from the mining law by the Bureau of Reclamation in 6/3/1946 for the Wildlife Gunnison Ark Reclamation project. The Bureau of Reclamation will concur on this document and assist in moving this project forward.

Direct and Indirect Impacts: There are geologic and mineral resources present; however, this project will not have a direct adverse impact to the resource. Rejecting this request would potentially strain Fremont County resources and result in more costly options for completion of road maintenance and improvements or the inability to conduct these operations at all.

#### **Environmental Effects**

##### **Proposed Action**

Direct and Indirect Impacts: A summary of direct and indirect impacts are listed below:

- Minerals removed from the Federal Reserve.
- Possible sale of aggregate to Fremont County at a reduced rate.
- Local jobs created and/or sustained in Fremont County.
- Real and property tax and sales tax being paid to local governments.
- Equipment licensing paid to local government.
- Fair market value royalties for the material will contribute to the U.S. Treasury General Fund.
- Mineral resources extracted for use in a variety of local and regional markets, such as road construction.
- Benefits to the local economy through the purchase of inputs to production associated with the proposed action.

Protective/Mitigation Measures: None

##### **No Action Alternative**

Direct and Indirect Impacts: A summary of Direct and Indirect impacts are listed below:

- Create a shortage of cheap mineral materials for county projects.
- Increase the cost of construction projects such as road maintenance.
- Could result in the elimination of projects, road closure, etc.
- Loss of royalty income to the U.S. Treasury General Fund.
- Could result in losses to the local economy from loss of local purchases associated with the proposed action.

Protective/Mitigation Measures: None



### **3.3 BIOLOGICAL RESOURCES**

#### **3.3.1 Invasive Plants**

Affected Environment: The project is located in an open area of mountain grasslands within a large contiguous tract of pinyon pine forest interspersed with mountain shrubs. In Fremont County these sites are very dry and warm, with less than 25 inches of precipitation annually. Grassy ground cover in the area is predominantly Blue grama (*Bouteloua gracilis*). Other grass species present include, but are not limited to, Western wheat (*Pascopyrum smithii*), Indian rice (*Achnatherum hymenoides*), and Needle and thread (*Hesperostipa Barkworth*). Invasive and non-native species that are in or near the project area include Three awn (*Aristida L.*), Knapweed (*Centaurea L.*), White top (*Cardaria draba*), Russian thistle (*Salsola L.*, and *Kochia (Bassia prostrate)*). Gambel oak (*Quercus gambelii*) is a common component of the understory, typically in a shrubby form. Other common understory shrubs include mountain mahogany (*Cercocarpus Kunth*) and wax currant (*Ribes cereum*).

#### Environmental Effects

##### Proposed Action

Direct and Indirect Impacts: The proposed action will result in soil disturbance that will increase the risk of invasive and non-native species infestations in the project area and dispersal to other areas.

Protective/Mitigation Measures: See Reclamation in 2.2.1. Proposed Action. Fremont County will be responsible for Monitoring and treatment of non-native species. Periodic monitoring will be done by BLM staff.

##### No Action Alternative

Direct and Indirect Impacts: None.

Protective/Mitigation Measures: None

#### **3.3.2 Vegetation (includes a finding on standard 3)**

Affected Environment: The proposed action occurs within both a Gravelly Foothill and Piñon -Juniper ecological plant community. The area is dominated by trees, shrubs, and grasses. The dominant trees include piñon and juniper woodlands and the dominant shrubs found in the area are wax current, Mountain Mahogany, and rabbitbrush. Dominant grasses found on the site include blue grama, needle-and-thread, western wheatgrass, Indian Ricegrass, sand dropseed, and sideoats grama. Vegetation ground cover is dependant on the amount of overstory and competition from woody plant species and soil characteristics. Forage production in this area is generally 500 – 800 lbs/ac/year.

#### Environmental Effects

##### Proposed Action

Direct and Indirect Impacts: The proposed action will directly impact 8 acres of vegetation by total removal of vegetation. These impacts will be mitigated under the proposed action by the reclamation planned for the area once mining ceases.

Protective/Mitigation Measures: See Reclamation in 2.2.1. Proposed Action. It is suggested that seed under the reclamation plan be native, and must be certified weed free. Seed species should be adapted to the site.

#### No Action Alternative

Direct and Indirect Impacts: None

Protective/Mitigation Measures: None

### **3.3.3 Wildlife Terrestrial (includes a finding on standard 3)**

Affected Environment: The habitat present consists of piñon-juniper/shrub mix. This habitat type is the most prevalent in the resource area. While the number of terrestrial species that occupy this habitat is great, the analysis focuses on mega-fauna that have the potential to be impacted the greatest by the proposed action.

Mule deer populations for this area are currently below Colorado Parks and Wildlife objectives. Being a successional species, deer rely on pre-climax habitat conditions. As the trend since the early 1900s has been towards more stability and approaching climax vegetative conditions, the ability of the habitat to support deer has declined. The primary causes of this trend in habitat conditions are thought to result from the elimination of wildfire from the forests, the encroachment of forest cover in formerly open grassland and shrubland habitats, and the improved soil and range management that has resulted in more stable grasslands. All these factors are to the detriment of the forb and shrub components, which are important parts of the deer diet.

The Merriam's turkey is a fairly common resident in foothills and mesas of southern Colorado. The Merriam's turkey is common in the assessment area in suitable habitat. Merriam's are found primarily in ponderosa pine forests with an understory of Gambel's oak. Tall pines are used during all seasons for roosting. In the assessment area it is often found in foothill shrublands (mountain mahogany) and piñon-juniper woodlands.

Black bear, mountain lion, bobcat and other meso-carnivores among others likely inhabit the project area sporadically. Home ranges of these species can be very large resulting in a small probability of occupancy at any one time.

#### Environmental Effects

##### Proposed Action

Direct and Indirect Impacts: Species mentioned above may be seen or their sign identified within the project boundary. The project action will be the eight acres of ground disturbed by quarry operation and an additional buffer area that will be impacted by noise and human presence. The proposed action will cause an eventual loss of eight acres of existing habitat, more importantly to mule deer winter range, to excavation. However, the majority of quarry operation will occur during the summer months; therefore, human activity that may initiate a flight response in mule deer would be reduced during winter months.

Indirectly habitat will be lost during quarry operation hours due to noise, vehicle traffic and human presence near the boundary of the project area. Indirect losses may be substantially larger than the direct loss (Sawyer et

al. 2006). However, the additional acreage is difficult to quantify because species react and adapt differently to anthropogenic features and activity. While the action area is currently being impacted by noise of quarry operations, it is likely wildlife present has become habituated to this impact and modified their activity patterns to nocturnal and crepuscular periods.

**Protective/Mitigation Measures:** As outlined in the proposed action, recommendations by CPW would enact a seasonal closure from September through November. From November through December, the county will operate on a one day per week schedule. During this time, operations will be limited to the hauling of material only; major excavation operations will not take place.

#### No Action Alternative

**Direct and Indirect Impacts:** None.

**Protective/Mitigation Measures:** None.

### 3.3.4 Migratory Birds

**Affected Environment:** Piñon-juniper habitat supports the largest nesting bird species list of any upland vegetation type in the West, and this habitat type is the most prevalent in the resource area. The richness of the piñon-juniper vegetation type is important due to its middle elevation. Survey tallies in piñon-juniper are similar in species diversity to the best riparian. Several species are found in the piñon-juniper habitat and include: black-chinned hummingbird, gray flycatcher, Cassin's kingbird, gray vireo, piñon jay, juniper titmouse, black-throated gray warbler, Scott's oriole, ash-throated flycatcher, Bewick's wren, mountain chickadee, white-breasted nuthatch, and chipping sparrow.

The following birds are listed on the U.S. Fish and Wildlife Service Birds of Conservation Concern (BCC) – 2002 List for BCR 16-Southern Rockies/Colorado Plateau. These species have been identified as species that may be found in the project area, have declining populations and should be protected from habitat alterations.

The golden eagle is a bird of grasslands, shrublands, piñon-juniper woodlands, and ponderosa pine forests, but may occur in most other habitats occasionally, especially in winter. Nests are placed on cliffs and sometimes in trees in rugged areas, and breeding birds range widely over surrounding habitats.

Peregrine falcons in Colorado breed on cliffs and rock outcrops from 4,500-9000 ft in elevation. They most commonly choose cliffs located within piñon-juniper and ponderosa pine zones. These falcons feed on smaller birds almost exclusively, with White-throated swifts and rock doves being among their favored prey.

Prairie falcons nest in scattered locations throughout the state where they inhabit the grassland and cliff/rock habitat types. These falcons breed on cliffs and rock outcrops, and their diet during the breeding season is a mix of passerines and small mammals.

Gray Vireos are piñon-juniper woodland obligates. Gray Vireos usually inhabit stands dominated by juniper or thin stands of pure juniper. They construct nests of dry grasses, plant fibers, stems, and hair, often camouflaging them with sagebrush leaves.

Piñon jays range the semiarid lands of the West. The Colorado Breeding Bird Atlas map shows them south of a diagonal line drawn from the northwest corner to the southeast corner of the state. Piñon jays are piñon and

juniper obligates in Colorado and nest commonly at the lower elevations of piñon-juniper woodlands, often where junipers dominate. A few nest in ponderosa pine. They prefer extensive stands far from high human activity.

Black-throated gray warblers are fairly common summer residents in piñon-juniper woodlands across the southwestern half of Colorado. Some surveys show these warblers to be the most frequently encountered birds in the piñon-juniper woodland. Black-throated gray warblers, in Colorado, are piñon-juniper obligates, preferring tall, dense piñon-juniper woodlands.

Virginia's warblers in Colorado nest between 5,000-9,000 feet in elevation. They breed most abundantly in the western quarter of the state, along the eastern slope foothills, and in the upper Arkansas River drainage. Virginia's warblers nest in dense shrublands and on scrub-adorned slopes of mesas, foothills, open ravines, and mountain valleys in semiarid country. They use scrubby brush, piñon-juniper woodland with a well-developed shrubby understory, ravines covered with scrub oak and dense shrublands--especially gambel oak. They also breed in open ponderosa pine savannahs that have a dense understory of tall shrubs.

### Environmental Effects

#### Proposed Action

Direct and Indirect Impacts: Species mentioned above may be seen or their sign identified within the project boundary during any season of the year. The project action will be the eight acres of ground disturbed by quarry operation and an additional buffer area that will be impacted by noise and human presence. The proposed action will cause an eventual loss of eight acres of existing habitat to excavation. Outside the physical eight acres project area, some species of migratory bird will incur additional habitat loss during quarry operation hours due to noise and human presence while others will not be affected by these activities (Gilbert and Chalfoun 2011). Species richness of newly impacted habitat will decrease as bird species not tolerant to noise will avoid the area (Francis et al. 2009). The additional acreage is difficult to quantify because species react and adapt differently to anthropogenic features and activity. During quarry development, vegetation will be removed and destroyed. If conducted during the nesting season, migratory bird nests will be destroyed, resulting in a "take."

Protective/Mitigation Measures: To be in compliance with the Migratory Bird Treaty Act (MBTA) and the Memorandum of Understanding between BLM and USFWS required by Executive Order 13186, BLM must avoid actions, where possible, that result in a "take" of migratory birds. Generally this is a seasonal restriction that requires vegetation disturbance be avoided from May 15 thru July 15. This is the breeding and brood rearing season for most Colorado migratory birds. The clearing of vegetation during quarry operation will be completed outside these dates to prevent the "take" of migratory bird nests. However, if vegetation clearing is completed prior to the nesting season, quarry operation may occur during the restricted period.

An exception to this timing limitation will be granted if nesting surveys conducted no more than one week prior to surface-disturbing activities indicate no nesting within 30 meters (100 feet) of the area to be disturbed. Surveys shall be conducted by a qualified breeding bird surveyor between sunrise and 10:00 a.m. under favorable conditions. This provision does not apply to ongoing construction, drilling, or completion activities that are initiated prior to May 15 and continue into the 60-day period.

#### No Action Alternative

Direct and Indirect Impacts: None.  
Protective/Mitigation Measures: None.

### **3.4 HERITAGE RESOURCES AND HUMAN ENVIRONMENT**

#### **3.4.1 Cultural Resources**

Affected Environment: One historic site and isolated find are present in the vicinity of the area of potential effect [see Report CR-RG-13-15 (P)]. 5FN2750 is a small secondary trash deposit recorded during the cultural resources inventory, but it is not eligible for the National Register of Historic Places, and therefore, does not qualify as a historic property. 5FN1501.4 was also recorded during the inventory, and represents the remains of a portion of the Denver and Rio Grande railroad spur between Texas Creek, Colorado and Westcliffe, Colorado. The recorded segment measures 415 meters in length and is intact in places. The intact segment supports the National Register of Historic Places eligibility of the entire linear resource, and is accordingly considered a historic property.

#### Environmental Effects

##### Proposed Action

Direct and Indirect Impacts: Potential for impacts associated with the movement of heavy machinery  
Protective/Mitigation Measures: Disturbance to the site will be avoided by project activities by placing boulders along the base of the railroad grade, as a barrier, in order to prevent damage to the ballast by heavy machinery working nearby.

##### No Action Alternative

Direct and Indirect Impacts: None.  
Protective/Mitigation Measures: None.

#### **3.4.2 Visual Resources**

Affected Environment: The project is located approximately 350 feet due east of state Highway 69 off of a BLM road that is open to administrative uses only where it is partially behind a ridge. The landscape of the project area is very typical for this region with the main road traveling in the low point following drainage with mountains rising abruptly next to it. Vegetation is typical piñon /juniper woodland. Travelers' views along this stretch of highway are drawn in a north/south direction due to the relatively narrow canyon. There are no designated pull-outs, rest areas or viewpoints along the stretch of road adjacent to the project.





***Photo 3: Google Earth Street View from Highway 69 looking due south at the project area.***

Visual Resource Management (VRM) classes along with the corresponding VRM Objectives were established in the Royal Gorge Field Office in 1996 with the approval of the Royal Gorge Resource Area Resource Management Plan (RMP). Visual Resource Management objectives corresponding to the various management classes provide standards for analyzing and evaluating proposed projects. Projects are evaluated using the Contract Rating System to determine if it meets VRM objectives established by the RMP.

The VRM classes established for the project area is Class II and was most likely established due to the presence of Highway 69. The objective for a Class II area is as follows:

The objective of Class II is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.

## Environmental Effects

### Proposed Action

Direct and Indirect Impacts: A site visit was conducted on January 15<sup>th</sup> with several ID team members as well as the applicant's project manager to better understand the project and its relation to major travel routes and key viewing locations. It was determined that state Highway 69 was the only major travel corridor in the area and that there were no designated stopping locations such as rest areas or scenic overlooks. Based on this a GIS visual analysis was conducted to assess the level of visibility of the project from the state highway. This analysis, that does not take into account vegetation screening, found that portions of the project could be visible from the highway, particularly the higher elevations along the southern boundary and that a ridge largely obstructs views of the project from the highway. This GIS analysis also calculates that up to 40% of the project could be visible by travelers for up to three minutes (188 seconds) while traveling on State Highway 69 at the posted speed limit. The most visible locations would be when travelers are directly parallel to the project area at an angle that most viewers would not be looking directly at the project due.

A contrast rating form was also filled out for the project. This form found that there would be weak contrasts in the form associated with the pit and stockpiles if they become visible from the highway above the ridge. The gravel pit could also introduce contrasts in line, color, and texture due to the removal of vegetation adjacent to the fairly uniform surrounding woodland. Monitoring on a regular basis per the proposed action would identify when the project becomes visible and steps would be taken to reduce the stockpile height.

Based on this analysis the project may be seen from viewers traveling along the highway but at limited angles for short durations. Given that the analysis does not take into account vegetation, it is likely that the outcomes were overstated. If visible, contrasts in line, color, and texture would likely not be pronounced and actions would be taken to reduce the project's visibility from the highway. The project would introduce little to no contrasts with the surrounding landscape and would meet VRM class II management objectives.

Protective/Mitigation Measures: None.

### No Action Alternative

Direct and Indirect Impacts: None.

Protective/Mitigation Measures: None

### **3.4.3 Wastes, Hazardous Or Solid**

Affected Environment: It is assumed that conditions associated with the proposed project site are currently clean and that no contamination is evident. No hazardous material, as defined by 42 U.S.C. 9601 (which includes materials regulated under CERCLA, RCRA and the Atomic Energy Act, but does not include petroleum or natural gas), will be used, produced, transported or stored during project implementation.

## Environmental Effects

### Proposed Action

Direct and Indirect Impacts: None

Protective/Mitigation Measures: Since this project involves some type of oil or fuel use, transfer and/or storage, an adequate spill kit is required to be onsite. The project proponent will be responsible for

adhering to all applicable local, State and Federal regulations in the event of a spill, which includes following the proper notification procedures in BLM's Spill Contingency Plan. Nothing in the analysis or approval of this action by BLM authorizes or in any way permits a release or threat of a release of hazardous materials (as defined under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations) into the environment that will require a response action or result in the incurrence of response costs.

#### No Action Alternative

Direct and Indirect Impacts: None

Protective/Mitigation Measures: None

### **3.5 LAND RESOURCES**

#### **3.5.1 Forest Management**

Affected Environment: The dominant forest type in the project area is pinyon pine and juniper with a few scattered ponderosa pines. There are 2 types of juniper, Rocky Mountain and one-seed found at the project site. These forests are commonly referred to as pinyon-juniper woodlands. These are hardy, drought-tolerant trees that are well suited to the project landscape. Forest management recommendations to ensure optimum tree health include providing adequate spacing and water, and avoiding wounding of the trees.

There is on-going forest health treatment work in this area south of Texas Creek. This work involves commercial firewood sales and thinning dense pinyon-juniper forests. These forest health thinning units are located to the north and south of the proposed gravel pit. And utilized the same access.

#### Environmental Effects

##### Proposed Action

Direct and Indirect Impacts: The proposed action shall result in the loss of approximately 8 acres of pinyon juniper forests which will slowly become reforested once the pit is closed and the site has been reclaimed.

Protective/Mitigation Measures: The access road and old railroad bed should be left open for future forestry work. All trees over 5 inches in diameter shall cut, limbed and decked in an orderly fashion on site for future use, which requires the appropriate permit. Trees less than 5 inches diameter shall be chipped and scattered on site or piled for future burning.

#### No Action Alternative

Direct and Indirect Impacts: None

Protective/Mitigation Measures: None

### **3.6 CUMULATIVE IMPACTS SUMMARY**



The area has experienced historic mining, railroading, and cattle grazing. Recently, the area is experiencing an increase in population influx resulting in more recreation and development, and less traditional practices. The impacts related to the Proposed Action would have minimal to no cumulative impacts.

The mining operation will remove vegetation and habitat during the life of the mine. However, reestablishment of vegetation is part of the reclamation plan and will prevent significant cumulative effects from occurring. Adverse effects to mule deer during the winter and activities resulting in a take of migratory birds could cumulatively impact the ecosystem; however proposed mitigation of winter disturbance and activities during the brooding season would prevent these cumulative impacts from occurring. The proposed action will result in soil disturbance that will increase the risk of invasive and non-native species infestations in the project area and dispersal to other areas. As a result, Fremont County will be responsible for monitoring and treatment of non-native species. The minerals produced will remove them from the overall Federal Reserve, but are being used in accordance with Congresses' intent.

## **CHAPTER 4 - CONSULTATION AND COORDINATION**

### **4.1 LIST OF PREPARERS AND PARTICIPANTS**

Please see Interdisciplinary Team Review list for BLM Participants

### **4.2 TRIBES, INDIVIDUALS, ORGANIZATIONS, OR AGENCIES CONSULTED**

A memorandum of understanding between the Bureau of Reclamation and the Bureau of Land Management outlines management of BOR withdrawn lands, see Appendix A, section 5. In this section it states, "On Reclamation lands which are not within the boundaries of national forests or under another agency administration and there are no authorized for construction or constructed Reclamation projects, BLM has full administrative responsibility." Coordination with the BOR was conducted under this MOU. Following concurrence on this document by BOR, the project will progress forward. In a following action, BOR indicated they intend to initiate release of the withdrawal on this parcel.

CPW was consulted with regards to wildlife. Mitigation was implemented as a result of this consultation.

## **CHAPTER 5 - REFERENCES**

- Bureau of Land Management (BLM). 198X. Draft Resource Management Plan and Environmental Impact Statement. X Field Office. X, Colorado.
- Bureau of Land Management. 1996. Royal Gorge Resource Area Resource Management Plan and Record of Decision. Canon City District. Canon City, Colorado.
- Bureau of Land Management. 2008. H-1790-1 National Environmental Policy Handbook. Washington, D.C.
- Francis, C. D., C. P. Ortega, and A. Cruz. 2009. Noise pollution changes avian communities and species interactions. *Current Biology* 19: 1415-1419.
- Gilbert, M. M., and A. D. Chalfoun. 2011. Energy development affects populations of sagebrush songbirds in Wyoming. *The Journal of Wildlife Management* 75: 816-824.

## **Finding Of No Significant Impact (FONSI)**

### **DOI-BLM-CO-200-2012-0051 EA**

Based on review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects from any alternative assessed or evaluated meet the definition of significance in context or intensity, as defined by 43 CFR 1508.27. Therefore, an environmental impact statement is not required. This finding is based on the context and intensity of the project as described below:

#### **RATIONALE:**

##### **Context:**

The proposed action is to issue a mineral materials permit to Fremont County and to allow development of a quarry off CO Hwy 69 a few miles south of Texas Creek near Thomas Gulch. A Free-Use Permit may be issued to the county for mineral materials (sand, gravel, roadbase, etc.) to be used on county projects so long as the material is not used for commercial or industrial purposes (43 CFR 3604.12). Under a Free-Use permit, there are no royalty payments. This will greatly reduce the costs to each of the county's projects and help them to extend their budget to other projects, positions, etc. Since there is a need for mineral materials in Fremont County District #3 (Cotopaxi), the proximity of the new quarry will further reduce costs by reducing transportation of materials. The new quarry will provide a steady source of inexpensive material and help the county continue construction and maintenance projects for years to come. Local sources of mineral materials alleviate additional stress on the regional and national mineral materials resources and markets.

##### **Intensity:**

I have considered the potential intensity/severity of the impacts anticipated from the Fremont County Mineral Materials Quarry Project decision relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

##### **Impacts that may be beneficial and adverse:**

Through the environmental analysis, it has become apparent that adverse impacts to the human and natural environment can be managed and mitigated.

Below is a summary of the identified impacts and associated mitigation for each of the resources areas:

- The representative at the BOR should be contacted prior to starting the project to coordinate due to the present withdrawal.
- The proposed action will result in soil disturbance that will increase the risk of invasive and non-native species infestations in the project area and dispersal to other areas. Fremont County will be responsible for monitoring and treatment of non-native species. Periodic monitoring will also be conducted by BLM staff.

- The proposed action will directly impact 8 acres of vegetation by total removal of vegetation. These impacts will be mitigated under the proposed action by the reclamation planned for the area once mining ceases.
- As outlined in the proposed action, recommendations by CPW would enact a seasonal closure from September through November. From November through December, the county will operate on a one day per week schedule. During this time, operations will be limited to the hauling of material only; major excavation operations will not take place.
- To be in compliance with the Migratory Bird Treaty Act (MBTA) and the Memorandum of Understanding between BLM and USFWS required by Executive Order 13186, BLM must avoid actions, where possible, that result in a “take” of migratory birds. Generally this is a seasonal restriction that requires vegetation disturbance be avoided from May 15 thru July 15.
- There are remains of a portion of the Denver and Rio Grande railroad spur between Texas Creek, Colorado and Westcliffe, Colorado on site. The recorded segment measures 415 meters in length and is intact in places. The intact segment supports the National Register of Historic Places eligibility of the entire linear resource, and is accordingly considered a historic property. Disturbance to the site will be avoided by project activities by placing boulders along the base of the railroad grade, as a barrier, in order to prevent damage to the ballast by heavy machinery working nearby.
- Based on the location of the project, the nature of the operation, and screening from trees all operations would most likely not be visible from Highway 69. Furthermore, the stockpiles should not exceed heights that would make them overly visible from the highway on a routine basis. As the amount and locations of the stockpiles may vary, this mitigation will need to be continually coordinated with BLM, in order to ensure that it is being met adequately.
- Since this project involves some type of oil or fuel use, transfer and/or storage, an adequate spill kit is required to be onsite. The project proponent will be responsible for adhering to all applicable local, State and Federal regulations in the event of a spill, which includes following the proper notification procedures in BLM’s Spill Contingency Plan.
- There would be a loss in livestock forage through the proposed action, but the loss would be insignificant. Any loss would be recovered through the reclamation plan.
- The proposed action shall result in the loss of approximately 8 acres of pinyon juniper forests which will slowly become reforested once the pit is closed and the site has been reclaimed. The access road and old railroad bed should be left open for future forestry work. All trees over 5 inches in diameter shall be cut, limbed, and decked in an orderly fashion on site for future use by the county, which requires the appropriate permit or for future commercial firewood sales. Trees less than 5 inches diameter shall be chipped and scattered on site or piled for future burning.

Below is a summary of the benefits associated with this proposed action:

- Local jobs created and/or sustained in Fremont County.
- Real and property tax and sales tax being paid to local governments.
- Equipment licensing paid to local government.
- Fair market value royalties for the material will contribute to the U.S. Treasury General Fund.
- Mineral resources extracted for use in a variety of local and regional markets, such as aquarium rock, landscaping, and construction projects.
- Benefits to the local economy through the purchase of inputs to production associated with the proposed action.

**Public health and safety:**

The proposed action is not expected to result in significant impacts to air quality, water quality, sedimentation, hazardous materials, and other factors contributing to public health and safety. Mitigation has been suggested herein to further prevent these factors from affecting public health and safety. In addition, physical safety is addressed during the mining operations through administrative and engineered controls outlined within this EA and mandated by MSHA (Mining, Safety and Health Administration) and Colorado Division of Reclamation and Mining Safety (CDRMS).

**Unique characteristics of the geographic area:**

The area is currently withdrawn by the Bureau of Reclamation. Contingent with this proposal, the BOR has agreed to start the relinquishment of said withdrawal. In the meantime, BOR has agreed to issue a special use permit to authorize the proposal until the relinquishment is complete. There are no other unique characteristics of the geographic area e.g. WSAs, ACEC, W&S rivers, Prime and Unique Farmland or other unique characteristics.

**Degree to which effects are likely to be highly controversial:**

The potential for controversy associated with the effects of the proposed action on resource values is low. There is no disagreement or controversy among ID team members or reviewers over the nature of the effects on the resource values on public land by the proposed action.

**Degree to which effects are highly uncertain or involve unique or unknown risks:**

Mining has occurred in this area throughout the past few decades and although the potential risks involved can be controversial, they are neither unique nor unknown. The proposed operation consists of industry standard practices, resulting in impacts that would normally be expected from an activity being accomplished in compliance with current standards and regulations and based on sound practices. There is low potential of unknown or unique risks associated with this project due to the nature of the proposed operation and similar mining activity has occurred in the area.

**Consideration of whether the action may establish a precedent for future actions with significant impacts:**

There are no aspects of the current proposal that are precedent setting and implementation of the proposed project will be in accordance with standard practices that are consistent with other allowable operations involving BLM managed surface.

**Consideration of whether the action is related to other actions with cumulatively significant impacts:**

Hiking, hunting and BLM timber contracts are the principal current uses of the area and occur intermittently throughout the year. The proposed activity has minimal chances of producing cumulative impacts. Prescribed mitigation would further reduce the likelihood of cumulative impacts.

**Scientific, cultural or historical resources, including those listed in or eligible for listing in the National Register of Historic Places:**

One historic site and isolated find are present in the vicinity of the area of potential effect [see Report CR-RG-13-15 (P)]. 5FN2750 is a small secondary trash deposit recorded during the cultural resources inventory, but it is not eligible for the National Register of Historic Places, and therefore, does not qualify as a historic property. 5FN1501.4 was also recorded during the inventory, and represents the remains of a portion of the Denver and Rio Grande railroad spur between Texas Creek, Colorado and Westcliffe, Colorado. The recorded segment measures 415 meters in length and is intact in places. The intact segment supports the National Register of Historic Places eligibility of the entire linear resource, and is accordingly considered a historic property.

**Threatened and endangered species and their critical habitat:**

Peregrine and Golden Eagles nest within Bighorn Sheep Canyon and Bald Eagles use the river corridor in the winter; however, no known nest sites are located within two miles of the project area. No known threatened and endangered or sensitive species are present within the action area.

**Any effects that threaten a violation of Federal, State or local law or requirements imposed for the protection of the environment:** The proposed action conforms with the provisions of NEPA (U.S.C. 4321-4346) and FLPMA (43 U.S.C. 1701 et seq.) and is compliant with the Clean Water Act and The Clean Air Act, the National Historic Preservation Act, Migratory Bird Treaty Act (MBTA) and the Endangered Species Act.

NAME OF PREPARER: Stephanie S. Carter

SUPERVISORY REVIEW: /s/ Jay M. Raiford

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Martin Weimer

DATE: 6/18/14

SIGNATURE OF AUTHORIZED OFFICIAL:

/s/ Keith E. Berger  
Keith E. Berger, Field Manager

DATE SIGNED: 6/18/14

APPENDICES:

Appendix A – Interagency Agreement between Bureau of Reclamation and the Bureau of Land Management

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
ROYAL GORGE FIELD OFFICE**

**DECISION RECORD  
Fremont County Mineral Materials Quarry  
DOI-BLM-CO-200-2012-0051-EA**

DECISION: It is my decision to authorize the Proposed Action as described in the attached EA. Upon issuance of a Special Use Permit while the current withdrawal is being released by the Bureau of Reclamation and subsequent Free Use Permits issued by BLM RGFO thereafter, Fremont County will be authorized to develop a quarry to provide sand and gravel to be used to maintain and upgrade county roads within District #3 (Cotopaxi) of Fremont County. It will occupy approximately 8 acres and have minimal topsoil that would need to be stockpiled. Approximately 30,000 tons of material will be removed per year, not to exceed 450,000 tons for the life of the mine. Mining is proposed to commence in 2014 from the northern corner of the proposed BLM mineral material permit area with surface leveling to the southern corner of the proposed permit area over the course of approximately 15 years.

During the active phase of mining, typical county mining operations will occur with periodic use of a dozer, front end loader, track hoe, and haul trucks. The county will conduct the majority of their work during the summer months, when weather conditions are more suitable for this type of work. At the request of DOW, there will be a seasonal closure from September through November for big game (rifle) season. From November through December, the county will operate on a one day per week schedule. During this time, operations will be limited to the hauling of material only; major excavation operations will not take place.

The gate located along the access road to the project area will be secured for safety purposes. This access road is designated as administrative use only and is not open to public motorized travel. In order to facilitate continued public access to adjacent public lands in the area the project proponent would install a walk through gate. Forestry projects have been slated for this area. As a result, access will not be denied to permitted foresters.

Berms will be built on the perimeter of the work areas to contain and collect storm water runoff and other sediments. Additionally, due to the high percolation rate of the soil in the pit, and the small acreage of the mining area, the bermed areas are not expected to form detention ponds or collect standing water during storm events. The large draw, which is located outside of the permit area, will be bermed to prevent any additional storm water from entering the permit area.

Reclamation and additional mining details previously outlined in the proposed action will be required for permits issued as a result of this assessment.

This decision is contingent on meeting all mitigation measures and monitoring requirements listed below.



The BLM Royal Gorge Field Office completed an Environmental Assessment and reached a Finding of No Significant Impact. Therefore, an Environmental Impact Statement is not required. The EA was posted on the NEPA register.

**RATIONALE:** This mineral materials disposal will develop federal sand and gravel resources. Extensive mining currently exists in the area of this subject parcel, primarily within and along the Highway 50 corridor, due to attainable access. The minerals associated with this parcel are open to the Public Land Laws. The area is very diverse and includes grazing lands, mining operations, industrial facilities, businesses and residential areas along a main access corridor from Canon City west to Salida, along Highway 50 and Texas Creek south to Westcliffe along Highway 69. The addition of this mineral material disposal would have a negligible cumulative impact to the area's air quality, noise or negative alteration of social environments.

**MITIGATION MEASURES\MONITORING:**

- The representative at the BOR will be contacted prior to starting the project to coordinate due to the present withdrawal.
- Fremont County will be responsible for monitoring and treatment of non-native species. Periodic monitoring will also be conducted by BLM staff.
- As outlined in the proposed action, recommendations by CPW would enact a seasonal closure from September through November. From November through December, the county will operate on a one day per week schedule. During this time, operations will be limited to the hauling of material only; major excavation operations will not take place.
- To be in compliance with the Migratory Bird Treaty Act (MBTA) and the Memorandum of Understanding between BLM and USFWS required by Executive Order 13186, BLM must avoid actions, where possible, that result in a "take" of migratory birds. Generally this is a seasonal restriction that requires vegetation disturbance be avoided from May 15 thru July 15.
- Seed used under the reclamation plan should be native, and must be certified weed free. Seed species should be adapted to the site.
- Disturbance to the railroad segment will be avoided by project activities by placing boulders along the base of the railroad grade, as a barrier, in order to prevent damage to the ballast by heavy machinery working nearby.
- Stockpiles should not exceed heights that would make them overly visible from the highway on a routine basis. As the amount and locations of the stockpiles may vary, this mitigation will need to be continually coordinated with BLM, in order to ensure that it is being met adequately.
- Since this project involves some type of oil or fuel use, transfer and/or storage, an adequate spill kit is required to be onsite. The project proponent will be responsible for adhering to all applicable local, State and Federal regulations in the event of a spill, which includes following the proper notification procedures in BLM's Spill Contingency Plan.
- The access road and old railroad bed should be left open for future forestry work. All trees over 5 inches in diameter shall be cut, limbed, and decked in an orderly fashion on site for future use by the county, which requires the appropriate permit or for future commercial firewood sales. Trees less than 5 inches diameter shall be chipped and scattered on site or piled for future burning.

**PROTEST/APPEALS:** This decision shall take effect immediately upon the date it is signed by the Authorized Officer, and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4.



Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer at the Royal Gorge Field Office, 3028 East Main Street, Canon City, Colorado, 81212. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

[http://www.blm.gov/wo/st/en/prog/planning/news/webguide/document\\_pages/8\\_6\\_program-specific.html](http://www.blm.gov/wo/st/en/prog/planning/news/webguide/document_pages/8_6_program-specific.html)

SIGNATURE OF AUTHORIZED OFFICIAL:

/s/ Keith E. Berger  
Keith E. Berger, Field Manager

DATE SIGNED: 6/18/14

ATTACHMENTS: